

United States District Court  
Southern District of New York

-----x  
Alpha Capital Anstalt,

Plaintiff,

vs.

Brilliant Technologies Corporation,

Defendant.

-----x  
Notice of Voluntary Dismissal  
Without Prejudice

08 CV 03369 (DAB)

USDC SDNY
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Sirs:

Please take notice that pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, whereas Defendant Brilliant Technologies Corporation has not filed an answer or a motion for summary judgment, Plaintiff Alpha Capital Anstalt, hereby voluntarily dismisses the captioned action without prejudice.

Dated: New York, New York  
July 30, 2008

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By:   
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*all pending motions are DENIED as moot.*

**SO ORDERED**

  
DEBORAH A. BATT  
UNITED STATES DISTRICT JUDGE